

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
)
)
v.)
) Criminal No. 08-92
GERALD WAYNE UNDERWOOD,)
Defendant.)

ORDER

AND NOW, this 20th day of March, 2009, following
the defendant's entry of a guilty plea, IT IS HEREBY ORDERED
THAT the probation office will prepare a pre-sentence
investigation report. Thereafter, the probation office
will forward a copy of that report to defense counsel to
review with his client prior to sentencing. The probation
office will also forward a copy of the report to the
Assistant United States Attorney.

If either party disputes facts contained in the report
that are material to sentencing, it will be that party's
obligation to seek administrative resolution of that matter
through a pre-sentence conference with opposing counsel and
the probation officer. Thereafter, defense counsel and the
Assistant United States Attorney will each file with the clerk
of court, and serve upon opposing counsel and the probation
office, their positions with respect to sentencing factors.
This pleading will be accompanied by a written statement
certifying that filing counsel has conferred with opposing
counsel and the probation office in an attempt to resolve any
disputed matter.

After receipt of the parties' positions, the reporting probation officer will make any necessary investigation and revisions to the report. In any event, the reporting probation officer will prepare an addendum to the report that sets forth any objection to the report that has been made by counsel but not resolved, together with the probation officer's comments. The probation officer will certify that the report, any revisions thereto, and the addendum have been disclosed to the defendant and all counsel and that the addendum fairly sets forth all remaining objections.

Finally, any written letters from family, friends or supporters of the defendant, any written victim impact statements, or any other writings the defendant or the government wants the court to consider in fashioning a sentence shall be attached as exhibits to that party's "Memorandum In Aid Of Sentencing" and shall be electronically filed, accordingly. Counsel are to discourage individuals from sending such material directly to the court and any such material sent directly to the court will be forwarded to the appropriate counsel of record for electronic filing.

BY THE COURT:

s/Gary L. Lancaster
Gary L. Lancaster,
United States District Judge

cc: United States Attorney
Defense Counsel
United States Probation Office